

REMARKS

Claims 1-3, 6, and 7 are pending in this application; claims 6 and 7 have been withdrawn from consideration. Applicants initially thank the Examiner for indicating that claims 2 and 3 contain allowable subject matter. By the Office Action, claim 1 is rejected under 35 U.S.C. §102.

I. Interview Summary

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Lyjak in the May 21, 2009 and May 29, 2009 telephone interviews. Applicants' separate record of the substance of the interview is incorporated into the following remarks. During the telephone interview held on May 29, 2009, Examiner Lyjak agreed to withdraw the rejection of claim 1 under 35 U.S.C. §102(b).

II. Rejection Under 35 U.S.C. §102

The Office Action rejects claim 1 under 35 U.S.C. §102(b) as allegedly being anticipated by European Patent Publication No. 0 978 425 (hereinafter "the '425 publication"). Applicants respectfully traverse the rejection, asserting that the '425 publication fails to disclose all of the elements of claim 1.

The '425 publication fails to disclose, *inter alia*, the claimed load transmitting plate that "is configured so as to be displaceable towards the vehicle body rear side with respect to a front wall portion of the bumper reinforcement," as recited in claim 1. Furthermore, the Office Action does not cite where the '425 publication discloses this feature of the claimed vehicular bumper structure. Accordingly, Applicants submit that the '425 publication fails to disclose each and every element of claim 1, as required for anticipation under 35 U.S.C. §102(b). Thus, the '425 publication does not anticipate claim 1.

Furthermore, the Office Action does not cite any portion of the '425 publication in the rejection under 35 U.S.C. § 102 (*see* page 2 of the outstanding Office Action). Rather, the

Office Action merely concludes that the '425 publication discloses all of the elements of the claimed vehicular bumper structure. Because the Office Action does not provide any support for this assertion, Applicants submit that the Office Action fails to satisfy the *prima facie* burden for anticipation under 35 U.S.C. § 102.

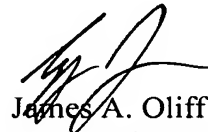
For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of this application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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